

2 2 FEB 2001

PATENT #4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: POPOVSKY, Frank  
Serial No.: 09/701,807  
I.A. Filing Date: 31 May 1999  
For: PRE-FILLED CONTAINER

RECEIVED

19 APR 2001

Legal Staff  
International Division

Box PCT

Commissioner of Patents  
Washington, DC 20231

Docket No.: P40.2-9585

## TRANSMITTAL LETTER

- In regard to the above-identified application, we are submitting the attached:  
1 pg. Notification of Missing Requirements; 1 pg. Response to Notification of Missing Requirements;  
1 pg. Declaration Under 37 CFR §1.47(b) For U.S. Patent Application Wherein the Inventor Refuses to Sign; 2 pg. Petition Under 37 CFR §1.47(b) for Filing by Assignee; 2 pg. Declaration of Facts In Support of Filing on Behalf of Omitted Inventor; 3 pg. Exhibit A; 1 pg. Exhibit B; 1 pg. Exhibit C; Check \$110.00; 1 pg. Petition for Extension of Time; Check \$110.00; VAS transmittal; and return postcard; check for \$130.00.
- With respect to fees:  
☐ No additional fee is required.  
☒ Attached is check(s) in the amount of \$110.00 and \$110.00  
☐ Charge additional fee to our Deposit Account No. 22-0350.
- CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
- Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

03/01/2001 MNGUYEN 00000050 09701807

02 FC:115  
03 FC:140110.00 OP  
110.00 OP

Date: February 22, 2001

VIDAS, ARRETT &amp; STEINKRAUS

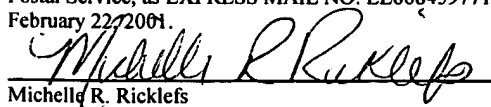
By: 

Registration No.

Adjustment date: 08/17/2001 UEDUVIJE  
03/01/2001 MNGUYEN 00000050 09701807  
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08/17/2001 UEDUVIJE 00000110 220350 09701807  
01 FC:122 20.00 CH 110.00 OP

Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as EXPRESS MAIL NO. EL668459771US, addressed to Box PCT, Commissioner for Patents, Washington D.C. 20231, on February 22, 2001.

  
Michelle R. Ricklefs



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/701807	POPOVSKY	F P40.2-9585

VIDAS ARRETT & STEINKRAUS  
6109 BLUE CIRCLE DRIVE SUITE 2000  
MINNETONKA, MN 55343 9185

INTERNATIONAL APPLICATION NO.	
PCT/AU99/00422	
I.A. FILING DATE	PRIORITY DATE
31 MAY 99	03 JUN 98
DATE MAILED: 22 DEC 2000	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.  
☐ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Verified Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☐ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). 968-110.50 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917. ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Vonda M. Wallace *VW*

Telephone: 703-305-3736

Exhibit B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In Re Application of:</b>	POPOVSKY, Frank
<b>Serial No.:</b>	09/701,807
<b>I.A. Filing Date:</b>	31 May 1999
<b>For:</b>	PRE-FILLED CONTAINER

Box Missing Parts  
Commissioner of Patents  
Washington, DC 20231

**Docket No.:** P40.2-9585

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

In response to the Notification of Missing Requirements, mailed December 22, 2000, enclosed for filing please find:

1. A copy of the Notification of Missing Requirements and a check for \$110.00 to cover the filing and surcharge fees;
2. Declaration and attachments and a Check for \$130.00.

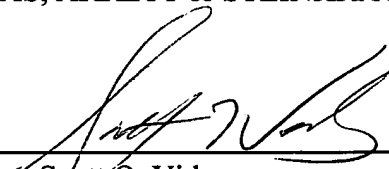
Please charge any additional fees or credit any overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: February 22, 2001

By:

  
\_\_\_\_\_  
Scott Q. Vidas  
Registration No. 30,812

03/01/2001 MNGUYEN 00000050 09701807

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130.00 OP

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